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Signed and Filed: June 17, 2020

A handwritten signature in dark ink, appearing to read "Dennis Montali", is written over a horizontal line.

DENNIS MONTALI
U.S. Bankruptcy Judge

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Attorneys for the Creditors, Ravin Skondin and Daniel Franklin.

THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

-and-

In re:

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

Case Nos. 19-30088 (DM)

Chapter 11

**ORDER APPROVING STIPULATION
RESOLVING OBJECTIONS TO
CONFIRMATION OF DEBTORS' AND
SHAREHOLDER PROPONENTS' JOINT
CHAPTER 11 PLAN OF
REORGANIZATION, DATED MARCH
16, 2020, FILED BY RAVIN SKONDIN
AND DANIEL FRANKLIN; AND FOR
RELIEF FROM THE AUTOMATIC
STAY**

RELATED DOCKET NOS.: 7295, 7312,
7335, 7337, 7764, and 7986

** All papers shall be filed in the lead case, No.
19-30088(DM)*

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1 This Court having considered the *Stipulation Resolving Objections to Confirmation Of*
2 *Debtors' And Shareholder Proponents' Joint Chapter 11 Plan Of Reorganization, Dated March*
3 *16, 2020, Filed By Ravin Skondin And Daniel Franklin; And for Relief From the Automatic Stay*
4 (the "Stipulation") (Dkt. No. 7986),¹ entered into by and amongst (i) PG&E Corporation
5 ("HoldCo") and Pacific Gas and Electric Company ("Utility"), as debtors and debtors in
6 possession (collectively the "Debtors") in the above-captioned chapter 11 cases (the "Chapter 11
7 Cases"), (ii) creditor Ravin Skondin ("Ms. Skondin"), an individual, and (iii) creditor Daniel
8 Franklin, an individual ("Mr. Franklin", and collectively with Ms. Skondin, the "Objecting
9 Parties"); and pursuant to such Stipulation and agreement by and amongst the Debtors and the
10 Objecting Parties (collectively the "Parties"), and good cause appearing:

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

- 12 1. The Stipulation is approved; and
- 13 2. The Stipulation shall be effective immediately; and
- 14 3. The Skondin Amended HoldCo Proof of Claim shall be deemed the operative
15 Proof of Claim with respect to claims asserted by Ms. Skondin against HoldCo. The Skondin
16 Amended Utility Proof of Claim shall be deemed the operative Proof of Claim with respect to
17 claims asserted by Ms. Skondin against the Utility. The Skondin Amended Proofs of Claim shall
18 be resolved as provided herein; and
- 19 4. The Franklin Amended Proof of Claim shall be deemed the operative Proof of
20 Claim with respect to claims asserted by Mr. Franklin against the Debtors, and shall be resolved
21 as provided herein; and
- 22 5. The Automatic Stay is modified, effective immediately, to allow Ms. Skondin to
23 have her claims against the Debtors, as set forth in the Skondin Amended Proofs of Claim, heard,
24 determined, and liquidated by the Superior Court in the Skondin State Court Action, including

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27 ¹ Any capitalized terms defined in the Stipulation and not otherwise defined in this Order shall
28 have the meaning defined in the Stipulation.

1 without limitation the completion of pretrial proceedings, trial, post-trial motions, and any
2 appellate proceedings in the Skondin State Court Action, but not to permit enforcement of any
3 judgment, which shall be satisfied under the Plan pursuant to the treatment provided for general
4 unsecured creditors in the Plan; and

5 6. To the extent the prosecution of the Skondin State Court Action results in a
6 liquidated settlement or final judgment, the Skondin Amended Utility Proof of Claim and/or the
7 Skondin Amended HoldCo Proof of Claim shall be allowed against the Utility and/or HoldCo,
8 respectively, as the case may be, in the amount of any such settlement or judgment, and shall be
9 paid in full as a general unsecured claim pursuant to the treatment provided for Class 4A and/or
10 4B of the Plan (provided, however, should both of the Skondin Amended Proofs of Claim be
11 allowed, Ms. Skondin's recovery must be consistent with the rule against double recovery for the
12 same tort, *see Carr v. Cove*, 33 Cal. App. 3d 851, 854 (Cal. Ct. App. 1973)); and

13 7. The Automatic Stay is modified, effective immediately, to allow Mr. Franklin to
14 have his claims against the Debtors, as set forth in the Franklin Amended Proof of Claim, heard,
15 determined, and liquidated by the Superior Court in the Franklin State Court Action, including
16 without limitation the completion of pretrial proceedings, trial, post-trial motions, and any
17 appellate proceedings in the Franklin State Court Action, but not to permit enforcement of any
18 judgment, which shall be satisfied under the Plan pursuant to the treatment provided for general
19 unsecured creditors in the Plan; and

20 8. To the extent the prosecution of the Franklin State Court Action results in a
21 liquidated settlement or final judgment, the Franklin Amended Proof of Claim shall be allowed
22 against the Utility in the amount of any such settlement or judgment, and shall be paid in full as a
23 general unsecured claim pursuant to the treatment provided for Class 4B of the Plan; and

24 9. The Stipulation shall survive confirmation of the Plan; the Effective Date of the
25 Plan; and if the Plan becomes null and void pursuant to Section 9.5 of the Plan; and

26 10. The Objections (Dkt. Nos. 7295, 7312, 7335, and 7337) are deemed withdrawn
27 and resolved (provided however if the Plan is not confirmed or becomes null and void pursuant
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1 to Section 9.5 of the Plan and another plan is filed, the Objecting Parties reserve the right to
2 object to any such plan and disclosure statement pertinent thereto); and

3 11. The Skondin Stay Relief Motion (Dkt. No. 7764) is deemed resolved, and the
4 hearing regarding the Skondin Stay Relief Motion is vacated; and

5 12. Mr. Franklin shall refrain from filing a motion for relief from the Automatic Stay,
6 as being unnecessary; and

7 13. Prime Clerk LLC, the court appointed claims and noticing agent in these Chapter
8 11 Cases, is authorized and directed to update the official claims register in these Chapter 11
9 Cases to reflect the terms of this Stipulation; and

10 14. This Court retains sole and exclusive jurisdiction to hear and determine any and
11 all disputes or controversies arising from or related to the implementation, interpretation, or
12 enforcement of the Stipulation and/or this Order.

13 * * * **END OF ORDER** * * *

14 Approved as to form and content:

15 Dated: June 17, 2020

KELLER BENVENUTTI KIM LLP

17 By: /s/ Peter J. Benvenutti
18 Peter J. Benvenutti, Attorneys
19 for Debtors and Debtors in Possession

WEIL, GOTSHAL & MANGES LLP

21 By: /s/ Mathew Goren
22 Mathew Goren, Attorneys
23 for Debtors and Debtors in Possession.

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